

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 IO-15 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 AF-10 EA-11 EUR-25 NEA-10 SY-10

USSS-00 EB-11 DOTE-00 FAA-00 CAB-09 JUSE-00 COME-00

AID-20 TRSE-00 OMB-01 SCA-01 SR-02 ORM-03 DRC-01 /236 W
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FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 9961

INFO AMEMBASSY MEXICO CITY PRIORITY

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E.O. 11652: N/A

TAGS: UNGA, PINS, MX

SUBJ: UNGA -- LEGAL COMMITTEE -- PROTECTION OF DIPLOMATS --
ASYLUM

REF: USUN 3579

1. AMB SANCHEZ GAVITO OF MEXICO APPROACHED DELOFF TO DISCUSS ASYLUM QUESTION. HE STATED HE HAD BEEN CONSIDERING MATTER SINCE OUR LAST TALK WITH VIEW TO MEETING OUR VIEWS, DISCUSSED IT WITH FONMIN RABASA, AND MEXICAN POSITION WOULD BE: (A) TO ACCEPT UNIVERSAL JURISDICTION OF ARTICLE 2 OF ILC DRAFT; (B) INCLUDE EXCEPTION CONCERNING DIPLOMATIC ASYLUM.

2. DELOFF QUERIED WHY GOM INSISTING ON ASYLUM POINT CONTEXT PROTECTION OF DIPLOMATS WHEN THEY HAVE NOT DONE SO CONTEXT HAGUE/MONTREAL CONVENTIONS. DELOFF QUERIED WHETHER GOM CONSIDERS MATTERS COVERED BY HAGUE/MONTREAL (INTERFERENCE WITH CIVIL AVIATION) MORE IMPORTANT THAN
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SUBJECT MATTER CURRENT CONVENTION. SANCHEZ GAVITO REPLIED

MEXICO HAD FELT SAFE IN TAKING GAMBLE AIRCRAFT HIJACKER WOULD IN FACT NOT FIND HIS WAY TO MEXICAN EMBASSY BUT DID NOT FEEL EQUALLY CONFIDENT IN CASE ATTACK ON DIPLOMAT. HE WENT ON SAY HE PERSONALLY HOPED NO MEXICAN AMBASSADOR WOULD BE SO SILLY AS TO EXERCISE HIS DISCRETION AND GRANT DIPLOMATIC ASYLUM TO ANYONE WHO HAD ATTACKED A DIPLOMAT.

3. SANCHEZ GAVITO EXPLAINED MEXICO NOT SEEKING EXCEPTION AS BROAD AS THAT CONTAINED OAS CONVENTION AND ONLY PROPOSING FOLLOWING CAREFULLY CIRCUMSCRIBED TEXT: "NONE OF THE PROVISIONS OF THIS CONVENTION SHOULD BE INTERPRETED AS MODIFYING TREATIES IN FORCE RELATIVE TO DIPLOMATIC ASYLUM."

4. DELTFF ASKED WHY IF GOM ACCEPTED UNIVERSAL JURISDICTION GOM COULD NOT GRANT ASYLUM AND THEN SUBMIT ACCUSED FOR PROSECUTION IF HE ENDED UP IN MEXICO SO LONG AS THEY DID NOT EXTRADITE HIM. SANCHEZ GAVITO REPLIED GRANT OF DIPLOMATIC ASYLUM REQUIRED CONFERRING INVIOABILITY ON PERSON TO WHOM ASYLUM GRANTED AND CONSEQUENTLY RULED OUT PROSECUTION BY STATE WHICH GRANTED IT. HE DID NOT ACCEPT DELOFF'S SUGGESTION THAT DIPLOMATIC ASYLUM WAS MERELY LIMITED TO OBTAINING SAFE CONDUCT OUT OF COUNTRY IN WHICH EMBASSY LOCATED.

5. CLEAR IMPLICATION OF SANCHEZ GAVITO'S PITCH WAS THAT HE HAD PRESSED RABASA AS HARD AS HE COULD AND THIS THE BEST HE COULD COME UP WITH. HE INCLINED RAISE MATTER THIS PM BUT WE PLAN URGE HIM TO HOLD OFF UNTIL WE GET TO ARTICLE 6.
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